

**RECORD OF PROCEEDINGS  
MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO  
MARCH 8, 2022**

Mayor Mortensen called the meeting to order at 7:00 p.m. Town Clerk Deborah Wohlmuth called the roll.

**Present:** Andrew Aerenson  
Jessica Burley  
Dan Fallon  
Andy Held  
Rick Ihnken  
Hunter Mortensen  
Melissa Sherburne

**Absent:**

**Public Comments:**

There was no public comment.

**Mayor and Council Comments:**

Council member Aerenson asked that the Pay as You Throw ordinance be tabled to a future work session meeting. Council discussed procedural actions on this agenda item.

**MOTION: COUNCIL MEMBER AERENSON MOVED TO MOVE ORDINANCE 22-04 TO A THE MARCH 22, 2022 WORK SESSION. SECOND, COUNCIL MEMBER FALLON.**

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>NO</b>	<b>SHERBURNE</b>	<b>NO</b>
<b>HELD</b>	<b>NO</b>	<b>MORTENSEN</b>	<b>NO</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION FAILED</b>	

Council member Held requested that Council discuss hiring grant writers at a future work session.

Council member Fallon thanked Public Works for their efforts to maintain ice at Meadow Creek Park, and encouraged Council to address again next winter.

Mayor Mortensen reminded the audience that the Candidate Forum will be held Thursday evening at Ten Mile Music Hall.

**Consent Agenda:**

February 22, 2022 Minutes

Resolution 22-05, a Resolution for the Award of Contract for On Lighting at Meadow Creek Park with CLI Services of Denver, Colorado

Resolution 22-06, a Resolution Approving an Intergovernmental Agreement with the Town of Breckenridge for the Administration of a Childcare Tuition Assistance Program

Resolution 22-07, a Resolution Amending the "Frisco Housing Helps Program"

**MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. SECOND, COUNCIL MEMBER FALLON.**

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION CARRIED</b>	

**New Business:**

Agenda Item #1: Resolution 22-09, a Resolution in Support of Ballot Question 1 to Impose a New Excise Tax on Short Term Rentals in Order to Increase Funding for Frisco's Affordable Housing Projects and Programs 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Interim Town Manager Diane McBride stated that this resolution supports Ballot Question 1, regarding a 5% short-term rental excise tax for the April 5, 2022 municipal election. Over the past several months, Council discussed the impact of short-term rentals on the community, specifically the impacts of short-term rentals on housing affordability and availability for the local workforce. To address Frisco's housing challenges requires dedicated, sufficient, and guaranteed streams of revenue. Ms McBride stated that adding a new 5% excise tax to the current taxes applied to STRs (10.725%) would bring the total tax for STRs to 15.725% and is estimated to generate between \$1.2 million - \$1.5 million of additional revenue each year. This funding would be used for programs that support workforce housing projects and programs. Mayor Mortensen opened public comment at 7:13 p.m. There being no further public comment, the Mayor closed public comment at 7:14 p.m.

**MOTION: COUNCIL MEMBER SHERBURNE MOVED TO APPROVE RESOLUTION 22-09, A RESOLUTION IN SUPPORT OF BALLOT QUESTION 1 TO IMPOSE A NEW EXCISE TAX ON SHORT TERM RENTALS IN ORDER TO INCREASE FUNDING FOR FRISCO'S AFFORDABLE HOUSING PROJECTS AND PROGRAMS. SECOND, COUNCIL MEMBER HELD.**

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>NO</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION CARRIED</b>	

Agenda Item #2: Resolution 22-08, a Resolution for the Award of Contract for the Construction of the Police Department Remodel Project to MW Constructors of Castle Rock, Colorado 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Public Works Director Jeff Goble stated that this resolution approves a contract with MW Golden Constructors for the remodel of the Police Department at a cost not to exceed \$1,576,791. Based

on staff recommendation, Council directed staff to bring forward a future budget amendment of \$1,600,000 to provide a small buffer of \$23,209 for any unforeseen costs. Mr. Golbe stated that the Frisco Police Department was last remodeled in 2000. Due to the extensive growth that Frisco and Summit County have experienced, the department has outgrown their current space and is in need of expansion to better suit their operations and aid in recruitment and retention of officers to be able to better serve the community of Frisco. Mayor Mortensen opened public comment at 8:18 p.m. There being no public comment, the Mayor closed public comment at 8:19 p.m.

**MOTION: COUNCIL MEMBER HELD MOVED TO APPROVE RESOLUTION 22-08, A RESOLUTION FOR THE AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE POLICE DEPARTMENT REMODEL PROJECT TO MW CONSTRUCTORS OF CASTLE ROCK, COLORADO. SECOND, COUNCIL MEMBER FALLON.**

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION CARRIED</b>	

Agenda Item #3: First Reading Ordinance 22-04, an Ordinance Amending Chapter 124 of the Code of Ordinances of the Town of Frisco, Colorado, Concerning Public Health and Safety, by Adding a New Article III thereof to: (I) Establish Comprehensive Regulations to Require the Collection of Recyclable Materials by Trash Haulers; (II) to Require Trash Hauling Service Pricing Mechanisms (Known as “Pay As Your Throw”) that are Designed to Reduce the Creation of Solid Waste and Increase the Recycling of Recoverable Materials; and (III) Setting Forth Penalties for the Violation Thereof 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Environmental Programs Coordinator Hilary Sueoka indicated stated that the proposed ordinance introduces recycling policy changes to curbside waste pickup at residential properties, and dumpster pick up at commercial and multifamily residential properties. For individual residences, a Pay-As-You-Throw (PAYT) policy is similar to a utility bill model in that a household pays for waste removal service based on how much waste that household produces. PAYT will provide an economic incentive to reduce waste and recycle more by requiring 80% minimum price differential between three trash bin size options and by including recycling with the service. Universal Recycling requires that businesses and multifamily properties have recycling collection service in addition to any existing waste pickup. Following the initial December 14, 2021 Council work session, High Country Conservation Center (HC3) and LBA, a consultant hired by HC3 to facilitate the stakeholder process and draft the ordinance, performed an extensive outreach process with residents, businesses, HOAs, and property managers in addition to Town Council and County Commissioner presentations, and one-on-one hauler meetings. The next steps include continued discussions of policy, implementation budget, waivers, marketing and information campaigns, and enforcement. The ordinance will go into effect on April 1, 2023. Summit County’s communitywide goal is to increase landfill diversion to 40% by 2035. Mayor Mortensen opened public comment at 7:29 p.m. Eight residents and business owners spoke in support of the ordinance. There being no further public comment, the Mayor closed public comment at 8:14 p.m.

**MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE THE FIRST READING ORDINANCE 22-04, AN ORDINANCE AMENDING CHAPTER 124 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING PUBLIC HEALTH**

**AND SAFETY, BY ADDING A NEW ARTICLE III THEREOF TO: (I) ESTABLISH COMPREHENSIVE REGULATIONS TO REQUIRE THE COLLECTION OF RECYCLABLE MATERIALS BY TRASH HAULERS; (II) TO REQUIRE TRASH HAULING SERVICE PRICING MECHANISMS (KNOWN AS “PAY AS YOUR THROW”) THAT ARE DESIGNED TO REDUCE THE CREATION OF SOLID WASTE AND INCREASE THE RECYCLING OF RECOVERABLE MATERIALS; AND (III) SETTING FORTH PENALTIES FOR THE VIOLATION THEREOF, WITH AMENDMENTS AS IDENTIFIED BY STAFF. SECOND, COUNCIL MEMBER SHERBURNE.**

<b>AERENSON</b>	<b>NO</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION CARRIED</b>	

Agenda Item #4: Housing Strategies and Finance Discussion 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Community Development Director Don Reimer stated that the Town of Frisco has several programs to address housing issues in the community: Housing Helps, Frisco Housing Locals, employee down payment assistance, and construction of additional housing units. During the Strategic Plan discussion at the February 8, 2022, Town Council meeting, Council directed staff to draft a 10-year housing financial pro-forma to help guide Town Council in future housing decisions. Staff recommended a retreat-style deep dive into the details of the decisions behind the data presented in this draft pro-forma including the number of units to be added through this plan, identifying low hanging fruit, and new ideas to bring to the table. This more in-depth discussion will lead to development of a Housing Action Plan to be adopted by Town Council that will include goals, projects, programs, and strategies that will guide decisions for years to come. Mayor Mortensen opened public comment at 9:44 p.m. There being no public comment, the Mayor closed public comment at 9:45 p.m.

#### **Old Business:**

Agenda Item #5: Second Readings of Ordinance 22-02, an Ordinance Amending the 2021 Annual Budget by Revising Certain Revenues and Appropriations and Appropriating Additional Sums of Money in the General Fund, Capital Improvement Fund, and SCHA (5A) Fund; and Ordinance 22-03, an Ordinance Amending the 2022 Annual Budget by Revising Certain Revenues and Appropriations and Appropriating Additional Sums of Money in the General Fund, Capital Improvement Fund, and SCHA (5A) Fund 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Finance Director Leslie Edwards stated that this is the second reading of two separate ordinances amending the 2021 and 2022 budgets. Ms Edwards indicated that circumstances occasionally require the Town to make changes to an approved budget and these changes must be adopted by Council ordinance. 2021 supplemental appropriations were discussed with Council during the 2021 calendar year and include discontinuing temporary reserve held related to pandemic uncertainty and transferring \$13,480,105 from the General Fund to Capital Fund and reimbursing \$287,500 to the SCHA (Housing-5A) Fund, also from the General Fund, for funds spent in support

of pandemic related employee rent relief. Supplemental Appropriations from 2022 relate to projects budgeted, but not completed in the 2021 budget. Overall, funds are available within each fund's ending balance in order to absorb the additional appropriations. Ms. Edwards stated that re-allocating the expenses to the 2022 budget does not decrease the total projected ending fund balance for 2022 below the amounts published in the 2022 adopted budget. These expenses include: appropriating \$107,000 in the General Fund for the Frisco Housing Locals pilot program and social equity outreach programs; appropriating \$328,500 in the Capital Improvement Fund for various equipment and maintenance projects; appropriating \$976,574 in the Water Fund for ongoing capital improvements to water infrastructure; and appropriating \$897,906 in the Marina Fund for ongoing Marina Plan projects such as the fuel system, new lift station, and new office/guest service building. Mayor Mortensen opened public comment at 9:46 p.m. There being no further public comment, the Mayor closed public comment at 9:47 p.m.

**MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE SECOND READINGS OF ORDINANCE 22-02, AN ORDINANCE AMENDING THE 2021 ANNUAL BUDGET BY REVISING CERTAIN REVENUES AND APPROPRIATIONS AND APPROPRIATING ADDITIONAL SUMS OF MONEY IN THE GENERAL FUND, CAPITAL IMPROVEMENT FUND, AND SCHA (5A) FUND; AND ORDINANCE 22-03, AN ORDINANCE AMENDING THE 2022 ANNUAL BUDGET BY REVISING CERTAIN REVENUES AND APPROPRIATIONS AND APPROPRIATING ADDITIONAL SUMS OF MONEY IN THE GENERAL FUND, CAPITAL IMPROVEMENT FUND, AND SCHA (5A) FUND. SECOND, COUNCIL MEMBER AERENSON.**

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION CARRIED</b>	

**Adjourn:**

There being no further business, the meeting adjourned at 9:50 p.m.

Respectfully Submitted,

---

Deborah Wohlmuth, CMC  
Town Clerk